

Arguments/Remarks

Claims 1, 6, 16 and 42-50 have been amended. Claims 2, 5, 12-15, 17, 18, 21, 24 and 28-31 have been canceled. Claims 1, 3, 4, 6, 7, 9-11, 16, 19, 20, 22, 23, 25-27 and 32-50 are in the application upon entry of this amendment. Entry of this amendment, and reexamination and reconsideration of the present application are respectfully requested in light of the above-indicated amendments and the following remarks.

The Applicant acknowledges with thanks the Examiner's findings that claims 32-41 are allowed.

Claims 13 and 15 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 depended from claim 45, and claim 45 has been amended herein by merging claim 13 into it. Consequently, claim 45 should be allowable. Similarly, claim 15 depended from claim 46, and claim 46 has been amended herein by merging claim 15 into it. Consequently, claim 46 should be allowable.

Claims 1, 16, 42, 43, 44, 47 and 48 have been amended by adding the limitation:

wherein the first mat element has a pointed upper edge region configured to engage a selected one of the inner and outer wall structures when the device unfolds, the pointed upper edge region of the first mat element being tapered to form an acute angle within the range of about 45 degrees to about 30 degrees; and/or the second mat element has a pointed upper edge region configured to engage the other of the inner and outer wall structures when the device unfolds, the pointed upper edge region of the second mat element being tapered to form an acute angle within the range of about 45 degrees to about 30 degrees.

Support for the above-indicated limitation can be found in the Applicant's specification at page 9, lines 10-25, and original claims 12-15.

Claim 6 has been amended to depend from claim 1 and in doing so the following language has been added to provided an antecedent basis for the remainder of the claim: "the first mat element has a first width, the second mat element has a second width, and."

Claims 22 and 23 have been amended to depend from claim 19.

Claim 49 has been amended to add the language: "wherein the pointed upper edge region is tapered to form an acute angle within the range of about 45 degrees to about 30 degrees." Support for this amendment can be found in the Applicant's original claim 13.

Claim 50 has been amended to add the language: “wherein each of the first and second pointed upper edge regions is tapered to form an acute angle within the range of about 45 degrees to about 30 degrees.” Support for this amendment can be found in the Applicant’s original claim 15.

Claims 1, 3, 4, 7, 9-11, 16, 18-20, 25-27 and 42 have been rejected under 35 U.S.C. §102(b) as anticipated by Ford et al. (U.S. Patent 6,067,781). The rejection with respect to claim 18 is moot in view of the cancelation of this claim. The rejection with respect to the remaining claims is respectfully traversed.

Ford et al. discloses a saddle pad 10 that includes a hinge band 16. The saddle pad 10 disclosed in Ford et al. does not have a first mat element with a pointed upper edge region that is tapered to form an acute angle within the range of about 45 degrees to about 30 degrees, and/or a second mat element with a pointed upper edge region that is tapered to form an acute angle within the range of about 45 degrees to about 30 degrees, as specified in the Applicant’s amended claims 1, 16 and 42. Accordingly, the Applicant’s amended claims 1, 16 and 42 are not anticipated by the teachings in Ford et al. Claims 3, 4, 7 and 9-11 depend from claim 1 and are not anticipated by Ford et al. for at the least the same reasons claim 1 is not anticipated. Claims 19, 20, 22, 23 and 25-27 depend from claim 16 and are not anticipated by Ford et al. for at least the same reasons claim 16 is not anticipated.

Withdrawal of the rejection of claims 1, 3, 4, 7, 9-11, 16, 19, 20, 25-27 and 42 as anticipated by Ford et al. is believed to be warranted and is respectfully requested.

Claims 45, 46, 49 and 50 have been rejected under 35 U.S.C. §102(e) as anticipated by Burgunder et al. (U.S. Patent 6,883,284). This rejection is respectfully traversed.

Burgunder discloses a masonry wall device. The Examiner indicated that “[W]ith respect to claims 45, 46, 49 and 50, an amendment which clearly pointed out that the thickness of the mat elements came to, or tapered to, a pointed upper edge would appear to overcome Burgunder.” In response, the Applicant has amended claims 45, 46, 49 and 50 to specify that the mat elements have upper edge regions which are tapered to form acute angles within the range of about 45 degrees to about 30 degrees. In view of the

amendments to claims 45, 46, 49 and 50, Applicant respectfully submits that these claims are not anticipated by the teachings in Burgunder.

Withdrawal of the rejection of claims 45, 46, 49 and 50 as anticipated by Burgunder is believed to be warranted and is respectfully requested.

Claims 6, 22, 23, 43, 44, 47 and 48 have been rejected under 35 U.S.C. §102(e) as anticipated by Brunson et al. (US 2003/012810). This rejection is respectfully traversed.

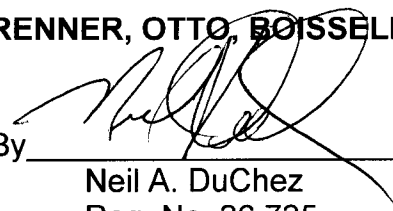
Brunson et al. discloses a drainage mat and mortar blocker. The Examiner focuses on the embodiment shown in Fig. 2 which is reproduced on page 4 of the office action. Drainage mat and mortar blocker 4 is shown in Fig. 2. The upper edge regions of the drainage mat and mortar blocker 4 are not tapered as specified in the Applicant's claims 6, 22, 23, 43, 44, 47 and 48. Accordingly, claims 6, 22, 23, 43, 44, 47 and 48 are not anticipated by Brunson et al.

Withdrawal of the rejection of claims 6, 22, 23, 43, 44, 47 and 48 as anticipated by Brunson et al. is believed to be warranted and is respectfully requested.

Applicants respectfully submit that the application is now in condition for allowance. A Notice of Allowance is respectfully requested. Any additional fees required for the filing of this paper may be charged to Deposit Account No. 18-0988. In the event the Examiner would like to discuss any matter involving this application with the undersigned attorney, he is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
Neil A. DuChez
Reg. No. 26,725

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
216/621-1113